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FILED
01/17/2023
Sara Calkins
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-0669-R-2022
Lambert, Kathryn
7.00

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Kevin D. Halverson; Shirley D. Halverson; Halverson
Land & Livestock LLC

OBJECTORS: Kevin D. Halverson; Shirley D. Halverson

CASE 43B-0669-R-2022

43B 180141-00
43B 180142-00
43B 180145-00
43B 180146-00
43B 180149-00
43B 180151-00
43B 180152-00
43B 180153-00
43B 180154-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The claimants objected to each of these claims except 43B 180149-00. Each of these claims appeared in the Preliminary Decree with an issue remark or remarks which need to be resolved, except claim 43B 180146-00. On September 14, 2022 the claimants filed a Motion To Resolve Objections And Issue Remarks. On October 4, 2022 the Order Setting Filing Deadline was issued for the claimants to review the attached DRAFT Master's Report. The DRAFT was prepared as the Court declined implementing a requested change and included the rationale for that determination. No response was filed. This settlement documentation is viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For irrigation claim 43B 180141-00, the Preliminary Decree states that the point of diversion is Fotland Ditch, its legal description is the NWSWNE section 12, T1S, R15E, SWEET GRASS, and includes the following issue remark:

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal description appearing in the Preliminary Decree is historically accurate and the headgate is in the same location today. It is also noted that the 1950 Water Resources Survey for Sweet Grass County map for T1S R15E shows the Fotland Ditch headgate at that same location. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following remark:

THE TIMELY FILED OBJECTION OF CLARENCE PILE WAS AMENDED BY AGREEMENT OF PARTIES TO INCLUDE PLACE OF USE BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark provides notice of this change made during the Temporary Preliminary Decree proceedings. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

2. For irrigation claim 43B 180142-00, the Preliminary Decree states that the flow rate is 5.00 cfs to irrigate 22.00 acres, and includes the following issue remark:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 102.00 GPM PER ACRE.

The Motion and the supporting Affidavit of Kevin Halverson state that the flow rate is correct. Paragraph 5 of the Affidavit states:

5. The flow rate of 5.00 CFS for Water Right No. 43B 180142-00 is based on the decree entered by the Montana Sixth Judicial District Court in 1911, and historically accurate. As indicated by that decree, and as noted in the information remark on this irrigation claim, I am entitled to all the water from Spring Creek for 4 ½ consecutive days out of each 12 days during the irrigation season. Due to higher-than-normal ditch loss and the rotational use, my parents and I have maximized the volume and flow rate during irrigation days.

A remark describing this limited use currently appears at the volume entry. It states:

THIS WATER RIGHT IS USED FOR 4 1/2 CONSECUTIVE DAYS OUT OF EACH 12 DAYS DURING THE IRRIGATION SEASON PURSUANT TO CASE NO. 496, SWEET GRASS CO.

This clarification remark should be moved from the volume entry to the flow rate entry. The flow rate quantification should not be changed. The flow rate issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the point of diversion legal description is the SESESE section 1, T1S, R15E, SWEET GRASS, and includes the following issue remark:

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE

CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal description appearing in the Preliminary Decree is incorrect and should be changed to the NENENE section 12, T1S, R15E, SWEET GRASS. The point of diversion should be the NENENE section 12, T1S, R15E, SWEET GRASS. The issue remark should be removed as addressed and resolved.

3. For stock claim 43B 180145-00, the Preliminary Decree states that the point of diversion legal description is the NWSWNE section 12, T1S, R15E, SWEET GRASS, for this livestock direct from source claim, and includes the following issue remarks:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESENW SEC 12 TWP 1S RGE 15E SWEET GRASS COUNTY.

THIS CLAIM INVOLVES STOCK DRINKING DIRECTLY FROM THE SOURCE. IT APPEARS THAT THE POINT OF DIVERSION SHOULD CORRESPOND WITH THE PLACES OF USE.

The Preliminary Decree includes two places of use: the NE section 12, T1S, R15E, SWEET GRASS, and the SE section 1, T1S, R15E, SWEET GRASS.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal descriptions in the point of diversion and place of use should be changed. The point of diversion and place of use should both be the NWSWNE section 12, T1S, R15E, SWEET GRASS and the SE section 1, T1S, R15E, SWEET GRASS. The issue remarks should be removed as addressed and resolved.

4. For stock claim 43B 180146-00, the Preliminary Decree states that the point of diversion is Fotland-Halverson Ditch, its legal description is the NENESW section 14, T1S, R15E, SWEET GRASS, and includes the following remark providing notice that the legal description was changed:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal description appearing in the Preliminary Decree is incorrect and should be changed to the SWSWNE section 14, T1S, R15E, SWEET GRASS. It is noted that claim 43B 180152-00 (below) is also for Fotland-Halverson Ditch, that the Motion and Affidavits state that the correct legal description for that claim is the NENESW section 14, T1S, R15E, SWEET GRASS, and that the 1950 Water Resources

Survey for Sweet Grass County map for T1S R15E shows the Fotland-Halverson Ditch headgate in the NENSW section 14, T1S, R15E, SWEET GRASS. The point of diversion legal description for this Fotland-Halverson Ditch claim should remain the NENSW section 14, T1S, R15E, SWEET GRASS.

The notice remark concerning the point of diversion should be removed as having served its notice purpose.

5. For irrigation claim 43B 180149-00, the Preliminary Decree states that the point of diversion is Grosfield-Halverson Ditch, its legal description is the SESESE section 15, T1S, R15E, SWEET GRASS, and includes the following issue remark:

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal description appearing in the Preliminary Decree is historically accurate and the headgate is in the same location today. It is also noted that the 1950 Water Resources Survey for Sweet Grass County map for T1S R15E shows the Grosfield-Halverson Ditch headgate at that same location. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following remark:

THE TIMELY FILED OBJECTION OF CLARENCE PILE WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark provides notice of this change made during the Temporary Preliminary Decree proceedings. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

6. For irrigation claim 43B 180151-00, the Preliminary Decree states that the points of diversion legal descriptions are the NWNENE section 14, T1S, R15E, SWEET GRASS, and the SENWSW section 12, T1S, R15E, SWEET GRASS. No ditch name is included for either diversion. The Preliminary Decree includes the following issue remarks:

CONVEYANCE DITCH APPEARS TO BE FOTLAND-HALVERSON DITCH.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESWNE SEC 14 TWP 1S RGE 15E SWEET GRASS COUNTY.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal descriptions appearing in the Preliminary Decree are historically accurate and the headgates are in the same location today. It is noted that claim 43B 180152-00 (below) is for Fotland-Halverson Ditch and that neither of the legal descriptions on this claim match the legal description specified for Fotland-Halverson Ditch. The issue remarks should be removed as addressed and resolved.

The Preliminary Decree also includes the following remark:

THE TIMELY FILED OBJECTION OF CLARENCE PILE WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark provides notice of this change made during the Temporary Preliminary Decree proceedings. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

7. For irrigation claim 43B 180152-00, the Preliminary Decree states that the point of diversion is Fotland-Halverson Ditch, its legal description is the NENESW section 14, T1S, R15E, SWEET GRASS, and includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSWNE SEC 14 TWP 1S RGE 15E SWEET GRASS COUNTY.

The Motion and the supporting Affidavit of Kevin Halverson state that the legal description appearing in the Preliminary Decree is historically accurate and the headgate is in the same location today. It is also noted that the 1950 Water Resources Survey for Sweet Grass County map for T1S R15E shows the Fotland-Halverson Ditch headgate at that same location. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following remark:

THE TIMELY FILED OBJECTION OF CLARENCE PILE WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark provides notice of this change made during the Temporary Preliminary Decree proceedings. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having

served its notice purpose.

8. For stock claim 43B 180153-00, the Preliminary Decree states that the point of diversion legal description is the SENWNE section 14, T1S, R15E, SWEET GRASS, for this livestock direct from source claim, and includes the following issue remarks:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NWNENE SEC 14 TWP 1S RGE 15E SWEET GRASS COUNTY.

THIS CLAIM INVOLVES STOCK DRINKING DIRECTLY FROM THE SOURCE. IT APPEARS THAT THE POINT OF DIVERSION SHOULD CORRESPOND WITH THE PLACES OF USE.

The Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NE	14	1S	15E	SWEET GRASS
SE	11	1S	15E	SWEET GRASS
SW	12	1S	15E	SWEET GRASS
NW	12	1S	15E	SWEET GRASS
SE	1	1S	15E	SWEET GRASS

The Motion and the supporting Affidavit of Kevin Halverson state that the place of use is historically accurate and the point of diversion should be changed to match the place of use.

The point of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NE	14	1S	15E	SWEET GRASS
SE	11	1S	15E	SWEET GRASS
SW	12	1S	15E	SWEET GRASS
NW	12	1S	15E	SWEET GRASS
SE	1	1S	15E	SWEET GRASS

The issue remarks should be removed as addressed and resolved.

9. For stock claim 43B 180154-00, the Preliminary Decree states that the point of diversion legal description is the SWNESW section 12, T1S, R15E, SWEET GRASS, for this livestock direct from source claim, and includes the following issue remark:

THIS CLAIM INVOLVES STOCK DRINKING DIRECTLY FROM THE SOURCE. IT APPEARS THAT THE POINT OF DIVERSION SHOULD CORRESPOND WITH THE PLACES OF USE.

The following clarification remark also appears at the point of diversion entry:

STOCK APPEAR TO BE GETTING WATER FROM AN UNNAMED DITCH OFF OF LOWER DEER CREEK.

The Motion and the supporting Affidavit of Kevin Halverson state that this is not a livestock direct from source claim, that the means of diversion “ditch” and ditch name

“Halverson Ditch” should be restored, but the point of diversion legal description should be corrected to the NESWSW of section 12, T1S, R15E, SWEET GRASS. The means of diversion should be ditch, Halverson Ditch should be added as the ditch name, the legal description should be NESWSW of section 12, T1S, R15E, SWEET GRASS, and the clarification remark should be removed as now redundant. The issue remark should be removed as addressed and resolved.

CONCLUSION OF LAW

The settlement filed by the parties is sufficient to contradict and overcome the prima facie claims and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court grant the Motion To Resolve Objections And Issue Remarks and make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180141-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SHIRLEY D HALVERSON
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

KEVIN D HALVERSON
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: APRIL 1, 1891
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 2.00 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 2 - MODERATELY HIGH
***Maximum Acres:** 108.00
***Source Name:** LOWER DEER CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	12	1S	15E	SWEET GRASS

Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: HEADGATE
Ditch Name: FOTLAND DITCH
Period of Use: MARCH 1 TO NOVEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12.00		NE	12	1S	15E	SWEET GRASS
2	20.00		SE	1	1S	15E	SWEET GRASS
3	22.00		SW	6	1S	16E	SWEET GRASS
4	24.00		SE	6	1S	16E	SWEET GRASS
5	30.00		NE	7	1S	16E	SWEET GRASS
Total:	108.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

180141-00	180142-00	180149-00	180150-00	180151-00	180152-00
180155-00					

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

180141-00	180144-00
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180142-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

***Priority Date:** FEBRUARY 5, 1898

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS
THIS WATER RIGHT IS USED FOR 4 1/2 CONSECUTIVE DAYS OUT OF EACH 12 DAYS DURING THE IRRIGATION SEASON PURSUANT TO CASE NO. 496, SWEET GRASS CO.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 22.00

Source Name: SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	12	1S	15E	SWEET GRASS

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	18.00		SE	1	1S	15E	SWEET GRASS
2	4.00		SW	6	1S	16E	SWEET GRASS

Total: 22.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

180141-00	180142-00	180149-00	180150-00	180151-00	180152-00
180155-00					

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180145-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: MARCH 1, 1914

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	1	1S	15E	SWEET GRASS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
2		NWSWNE	12	1S	15E	SWEET GRASS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
Period of Use:		JANUARY 1 TO DECEMBER 31				

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	12	1S	15E	SWEET GRASS
2			SE	1	1S	15E	SWEET GRASS

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180146-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: JULY 2, 1893

Type of Historical Right: DECREED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENSW	14	1S	15E	SWEET GRASS

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

Ditch Name: FOTLAND-HALVERSON DITCH

Period of Use: MARCH 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NE	14	1S	15E	SWEET GRASS
2			SE	11	1S	15E	SWEET GRASS
3			SW	12	1S	15E	SWEET GRASS
4			SE	12	1S	15E	SWEET GRASS
5			NE	12	1S	15E	SWEET GRASS

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180149-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SHIRLEY D HALVERSON
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

KEVIN D HALVERSON
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: MAY 1, 1897
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 1.55 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 2 - MODERATELY HIGH
***Maximum Acres:** 72.00
***Source Name:** LOWER DEER CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	SE	1S	15E	SWEET GRASS

Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: HEADGATE
Ditch Name: GROSFIELD-HALVERSON DITCH
Period of Use: MARCH 1 TO NOVEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	18.00		NW	12	1S	15E	SWEET GRASS
2	12.00		SW	12	1S	15E	SWEET GRASS
3	35.00		NE	12	1S	15E	SWEET GRASS
4	7.00		NE	14	1S	15E	SWEET GRASS
Total:	72.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

180141-00

180142-00

180149-00

180150-00

180151-00

180152-00

180155-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180151-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: JULY 2, 1893

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 283.00 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 60.00

***Source Name:** LOWER DEER CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENE	14	1S	15E	SWEET GRASS
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	HEADGATE					
2		SENWSW	12	1S	15E	SWEET GRASS
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	HEADGATE					
Period of Use:	MARCH 1 TO NOVEMBER 1					

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		NE	14	1S	15E	SWEET GRASS
2	40.00		SW	12	1S	15E	SWEET GRASS
3	15.00		NE	12	1S	15E	SWEET GRASS
Total:	60.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

180141-00	180142-00	180149-00	180150-00	180151-00	180152-00
180155-00					

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180152-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: MAY 1, 1896

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 283.00 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 31.00

***Source Name:** LOWER DEER CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENSW	14	1S	15E	SWEET GRASS

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: FOTLAND-HALVERSON DITCH

Period of Use: MARCH 1 TO NOVEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		NE	14	1S	15E	SWEET GRASS
2	6.00		SE	11	1S	15E	SWEET GRASS
3	5.00		SE	12	1S	15E	SWEET GRASS
Total:	31.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

180141-00	180142-00	180149-00	180150-00	180151-00	180152-00
180155-00					

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180153-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: MARCH 1, 1914

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	11	1S	15E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2		NW	12	1S	15E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		SW	12	1S	15E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4		NE	14	1S	15E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
5		SE	1	1S	15E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
Period of Use: JANUARY 1 TO DECEMBER 31						

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NE	14	1S	15E	SWEET GRASS
2			SE	11	1S	15E	SWEET GRASS
3			SW	12	1S	15E	SWEET GRASS
4			NW	12	1S	15E	SWEET GRASS
5			SE	1	1S	15E	SWEET GRASS

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 180154-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HALVERSON LAND & LIVESTOCK LLC
137 LOWER DEER CREEK RD
BIG TIMBER, MT 59011

Priority Date: MAY 1, 1896

Type of Historical Right: DECREED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSW	12	1S	15E	SWEET GRASS

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

Ditch Name: HALVERSON DITCH

Period of Use: MARCH 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	12	1S	15E	SWEET GRASS
2			NE	12	1S	15E	SWEET GRASS